

Recommended Conditions of Approval - Special Development Permit

In addition, to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development; major changes may be approved at a public hearing of the Planning Commission.
- B. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- C. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- D. To address storm water runoff pollution prevention requirements, an Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
- E. Additional information on permitted uses, conditionally permitted uses, and uses not allowed for the entire site are listed in the Lakeside Specific Plan.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain necessary permits from the Development Permit from the Department of Public Works for all proposed off-site improvements.
- B. Obtain approval from the Crime Prevention Division of Public Safety Department for crime prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

3. PROJECT PHASING

- A. The recreation facilities (pool and clubhouse) shall be installed in connection with residential building construction.
- B. The project shall NOT be phased during construction. The residential portion of the proposed development shall be constructed at substantially the same time as the hotel portion of the project.

4. RECIPROCAL ACCESS

- A. The hotel and residential portions of the project shall have the following reciprocal features. These services shall be available at a reasonable cost to the residents and the hotel guests.

<u>Services/Facilities</u>	
1. Large meeting room use	The hotel's meeting rooms shall be offered to residents for Homeowner Association Meeting at least two times per year at no cost. Other HOA meetings should be offered at a reasonable, below market rate.
2. Small meeting room use	The smaller hotel meeting rooms shall be offered to residents at a reasonable, below market rate.
3. Health club use	The hotel's health club and spa shall offer residents year round membership at a reasonable market rate.
4. Room cleaning services	A house cleaning services program shall be offered to residents at a reasonable market rate. This program is intended to be a typical weekly, bi-weekly, or monthly cleaning service.
5. Car rental	Hotel car rental services shall be offered to residents at a reasonable market rate.
6. Airport Shuttle from hotel	Hotel shuttle shall be offered to residents at a reasonable, below market rate.
7. Children's play areas	The children's play areas on the residential portion shall be made accessible to hotel guests during residential opens space operation hours (7:00am – 9:00pm)
8. Bicycles	The feasibility of a shared bicycle program for the condominiums shall be explored and made accessible for rent by hotel guests at a reasonable market rate.
9. Lake access	Access to the lake shall remain open to residents and hotel guests along the full length of lake of the project.

5. LAKE ACCESS EASEMENT

- A. There shall be recorded a public access easement to allow formal access to the lake and the pathway leading around the portion of the lake on the subject parcels, that includes the following conditions:

1. The trail shall remain open to the public at all times.
2. Access to the portion of the trail leading directly behind the hotel can be blocked periodically during hotel events, such as weddings or photo shoots. During this time, hotel staff must be present to redirect pedestrian traffic to an alternative route around the lake.
3. At no time shall the path behind the hotel and the bridges leading across the lake be simultaneously blocked from public access.

6. RETAIL ACTIVITIES

- A. The retail portion of this project shall be a minimum of 2,000sf and a maximum of 3,000sf, unless the Director of Community Development finds that the space has been vacant for at least one year and that no suitable tenant is willing to lease the space.
- B. The retail portion can be split into smaller tenant spaces.
- C. The retail spaces shall be accessible from the interior of the hotel and the exterior.
- D. There shall be parking spaces conveniently located for the retail uses.
- E. The retail parking spaces shall have time limited parking spaces.
- F. Additional information on permitted uses, conditionally permitted uses, and uses not allowed are listed in the Lakeside Specific Plan for retail activities.

7. TRANSPORTATION DEMAND MANAGEMENT

- A. The following TDM measures shall be incorporated into the project:
 - a. **Car Rentals:** Car rentals shall be made easily available to hotel guests and on-site residents, as part of the hotel management.
 - b. **Bicycle Use:** A shared bicycle program for the condominiums shall be created.
 - c. **Shuttle Vans:** All shuttle van services of the hotel shall be made available to the on-site residents. A reasonable (market value or less) fee may be charged.
 - d. **Carpools:** Carpooling shall be organized and encouraged through the homeowner association for on-site residents.

8. ENVIRONMENTAL MITIGATION MEASURES

- A. In addition to complying with applicable City Codes, Ordinances, and Resolutions, the FEIR includes mitigation measures that are incorporated into the project's approval. The Mitigation Monitoring and Reporting Program must be complied with as a condition of approval and can be found as an Attachment to this report.
- B. *Mixing of soils shall not be allowed as a method of remediation for the contaminated soils on site.*

9. ART IN PRIVATE DEVELOPMENT

- A. Comply with the art in private development requirements as noted in Sunnyvale Municipal Code Section 19.52 for the hotel portion of the site.
- B. 0.25% of the construction valuation shall be required for the residential portion of the site.
- C. Submit an Art in Private Development application to the Director of Community Development for approval by the Arts Commission, prior to issuance of a Building Permit.

10. BMR (BELOW MARKET RATE UNITS)

- A. Comply with Below Market Rate Housing (BMR) requirements as noted in SMC 19.66.
- B. The project will provide 31 Below Market Rate ownership dwelling units in compliance with SMC 19.66.
- C. The developer shall submit a site plan to the Housing Officer for review. The plan will include a description of the number, type, size and location of each unit on the site. The Housing Officer will then determine the specific units to be obligated as Below Market Rate (BMR) unit(s). (BMR Administrative Guidelines)
- D. Prior to issuance of a building permit, the developer shall execute a Development Agreement with the City to establish the units. The sale price of the BMR unit(s) is established at the time of the execution of the Development Agreement. (BMR Administrative Guidelines)
- E. All BMR dwelling units shall be constructed concurrently with non-BMR units, and shall be dispersed throughout the property and shall reflect the range in numbers of bedrooms provided in the total project and shall not be distinguished by exterior design, construction or materials. (SMC 19.66.020(c))
- F. Sixty days (60) days prior to the estimated occupancy date, the developer shall notify the Housing Division of the BMR units to be available. (BMR Administrative Guidelines)
- G. BMR Ownership Program - Developer and Buyer to execute "Addendum to Purchase Offer" prior to Occupancy Permit and provide copy to City. (BMR Administrative Guidelines)
- H. Ownership Units - Prior to Close of Escrow, a Deed of Trust between the City and the Buyer of the BMR unit shall be recorded to establish resale and occupancy restrictions for a 30-year period.
- I. The original sale price of BMR dwelling units shall comply with sales prices established by the City, which is revised annually. (SMC 19.66.040 (c))
- J. Below Market Rate dwelling units shall be offered for sale only to persons qualified under the terms described in SMC 19.66.040 and 19.66.050 and described more fully in the Administrative Guidelines. (BMR Rental Units / BMR Ownership Program)

- K. Resale of BMR dwelling units shall comply with procedures set forth in SMC 19.66.060.
- L. In the event of any material breach of the Below Market Rate Program requirements and conditions, the City may institute appropriate legal actions or proceedings necessary to ensure compliance. (SMC 19.66.140)
- M. In the event that any of the Below Market Rate dwelling units or a portion thereof is destroyed by fire or other cause, all insurance proceeds therefrom shall be used to rebuild such units. Grantee hereby covenants to cause the City of Sunnyvale to be named additional insured party to all fire and casualty insurance policies pertaining to said assisted units. (BMR Administrative Guidelines)
- N. Pay an in-lieu BMR fee of an amount determined by SMC 19.66.090 (developments consisting of 9-19 units only).

11. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney. (Note: a homeowner's association and CC&R's are required for subdivision of 5 or more units only.)
- B. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
- C. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- D. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- E. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units, whichever comes first.
- F. The Conditions of Approval of this 2004-0910 Permit.
- G. The CC&Rs shall contain the following language:
 - 1. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the

residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.

2. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
3. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
4. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
5. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
6. Third-Party Beneficiary. The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.

7. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."

12. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. The plans shall be revised to be consistent with the Specific Plan to provide the following:

Residential

1. Include a projecting eyebrow element, or other similar feature in the residential design that provides attention to the building's finish at the top.

Hotel

1. Provide a horizontal feature on the lake side elevation to help break up the mass and create depth.
 2. Provide additional depth to the hotel facade including projecting floor planes, eyebrows, etc. The intent is to avoid a large glassy plane.
 3. The hotel should incorporate a feature that provides attention to the building's finish at the top. The feature should provide a silhouette against the sky.
- B. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.
 - C. Fabric awnings shall be replaced at least every five years. Any change of color, materials or design and are subject to review and approval by the Director of Community Development.

13. PARKING STRUCTURES

- A. The parking structures shall have a hanging garden architectural feature or another equivalent, but equally significant design detail that provides visual interest and helps to reduce the appearance of the building mass.

14. EXTERIOR EQUIPMENT

- A. Individual air conditioning units shall be screened with architecture or landscaping features.
- B. All mechanical equipment on the rooftops shall be 100% screened on all sides.
- C. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

- D. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

15. FEES

- A. Pay Traffic Impact fee estimated at \$134,090.51, prior to issuance of a Building Permit. (SMC 3.50)
- B. Pay Park In-lieu fees estimated of \$5,390.55 per unit, prior to approval of the Final Map or Parcel Map. (SMC 18.10)

16. FENCES

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development prior to issuance of building permits.

17. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:
 - 1. Minimize the use of palm trees on site.
 - 2. The Director of Community Development shall have final approval over the size of the pond located on the landscaped podium.
 - 3. Appropriate planting measures shall be used in locations where new trees are planted adjacent to new paving areas, so that future tree roots to do not cause damage to the surrounding hardscape. This may include the use of structural soil. The Director of Community Development shall have final approval prior to issuance of the building permits Provide separate meter for domestic and irrigation water systems.
- B. The landscape plan shall including street trees and is subject to review and approval by the City Arborist.
- C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- E. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.
- F. Incorporate other large species trees, as appropriate, *with an emphasis on Sunnyvale native species*.
- G. All areas not required for parking, driveways or structures shall be landscaped.

- H. *Applicant and the City shall collaborate on potential landscaping on the sound wall along Lakeside Drive.*

18. TREE PRESERVATION

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval.
- B. The tree protection plan shall be in place prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120 and at a minimum:
 - 1. An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 - 2. All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 - 3. Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

19. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development. Driveway and parking area lights shall include the following:
- B. Sodium vapor (of illumination with an equivalent energy savings).
- C. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near residential uses.
- D. Provide photocells for on/off control of all security and area lights.
- E. All exterior security lights shall be equipped with vandal resistant covers.
- F. Wall packs shall not extend above the roof of the building.
- G. Lights shall have shields to prevent glare onto adjacent residential properties.

- H. Prior to issuance of a Building Permit submit a contour photometric plan for approval by the Director of Community Development. The plan shall meet the specifications noted in the Standard Development Requirements.
- I. Pole heights not to exceed (POLE HEIGHTS: 15) feet.
- J. Installation of lights at a minimum of 50 feet intervals along all private streets.

20. ON-SITE AMENITIES

- A. Swimming pools, pool equipment structures, play equipment and other accessory structures, except as otherwise subject to Planning Commission review, may be allowed by the Director of Community Development subject to approval of design, location and colors.
- B. 2 “tot lots” shall be provided on-site to accommodate recreational needs of small children. These facilities shall incorporate active play structures and other amenities on a secured area, as specifically approved by the Director of Community Development.

21. PARKING

- A. The covered parking area shall be redesigned to incorporate a temporary vehicle staging area. The intent is to allow tandem vehicle switching. Staff recommends increasing the percentage of compact spaces from 30% to 35% for the residential portion. Up to 35% of unassigned spaces are allowed by SMC.
- B. Up to 50% compact spaces for the hotel is allowed
- C. Tandem spaces may be at the hotel in areas where valet parking service is available.
- D. Tandem spaces may be allowed on the residential portion only if a valet parking service operates those spaces. If valet parking is approved the covered parking area shall be redesigned to incorporate a temporary vehicle staging area.
- E. A fourth level to the residential parking structure may be explored as an alternative to tandem parking only.
- F. The surface parking spaces between the hotel and residential portions may be used by residents.
- G. If no other feasible option can be found to reduce the number of tandem parking spaces, then residential units shall be removed to achieve compliance with SMC.
- H. Indicate all guest-parking spaces on plans. Such spaces shall be clearly designated prior to occupancy in a manner approved by the Director of Community Development.
- I. No guest parking space shall be assigned to the tandem parking spaces.
- J. Each unit shall have at one assigned covered parking space. If tandem parking is approved, both spaces shall be assigned to one unit.

- K. No parking space shall be offered for rent by the property owners or homeowners association.
- L. Garage and carport spaces shall be maintained at all times so as to allow for parking of vehicles.
- M. Specify compact parking spaces on Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- N. Indicate all guest parking spaces on the plans. Such spaces shall be clearly designated [prior to occupancy in a manner approved by the Director of Community Development.

22. BICYCLE PARKING

- A. Provide the following as approved by the Director of Community Development:
 - Residential: 80 Class I spaces and 16 Class II spaces
 - Hotel: 8 Class I spaces and 1 Class II spaces.

23. RECYCLING AND SOLID WASTE

- A. All materials for recycling and disposal generated by the demolition of the existing buildings shall be tracked and submitted to the Community Development Department.

Residential:

- B. A final solid waste/recycling management plan shall be submitted and approved by the Director of Community Development.
- C. If the project will include a chute system:
 - 1. Three chutes to be provided, for three waste/recycling streams.
 - 2. A chute cleaning maintenance plan must be included with waste management plan.
 - 3. Plans for interior of buildings must reflect 'trash rooms' on each floor.
 - 4. Plan must include method of joining chutes to containers to prevent open refuse or recycling material, per health and safety codes.
 - 5. Detail of chute system to be submitted for City approval.
- D. The central enclosures, 'trash rooms' on each floor, and receiving areas in basements must be sized as needed to accommodate waste/recycling system acceptable to City.
- E. The vehicle turnarounds shall be at least a 25'-30' inner radius and as much as a 48' outer turning radius, varying by truck type, or provide a hammer-head or other turnout area as needed.
- F. Maintain overhead clearance of 16 feet, and loading clearance of 20 feet as needed for collection.
- G. Detail of trash rooms, parking level enclosures, exterior enclosures, etc., reflecting containers/equipment and truck access are subject to approval by the Director of Community Development.

Hotel:

- H. Loading dock area shall have sufficient space for all refuse/recycling containers and operations. If front-load compactor shall be installed, storage space to be provided for at least one additional receiving box
- I. Maintain overhead clearance of 16 feet, and loading clearance of 20 feet, as needed for collection.
- J. All containers shall be screened from view per code section 19.38.030.
- K. Show designated area for internal recycling containers for kitchen, etc., and detail of loading dock to be provided for approved by the Director of Community Development.

24. ROOF SCREENS

- A. All roof vents, pipes, mechanical equipment, etc. n rooftops shall be screened behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

25. SIGNS

- A. All new signs shall be in conformance with Sunnyvale Municipal Code

26. SOLAR ENERGY

- A. Solar-assisted hot water shall be provided for all swimming pools and spas. Provide 70% of hot water needs for summer months.
- B. Such system shall carry a warranty as prescribed by the California Energy Commission in order to qualify for State Income tax credit.
- C. Such systems shall be designed and installed in accordance with an overall plan as approved by the Director of Community Development.

27. STORAGE

- A. Unenclosed storage of any kind shall be prohibited on the premises.
- B. All exterior trash shall be confined to approved receptacles and enclosures.
- C. Unenclosed storage area(s) for the hotel portion shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- D. Parking structure locker units are prohibited unless otherwise approval from the Director of Community Development.

28. TRAILERS

- A. Any temporary trailers required during demolition or construction shall be shown on a submitted plan, shall be subject to approval by the Director of Community Development.

29. VEHICLES

- A. No vehicles or trailers shall be advertised for sale or rent ~~on the site and nor vehicle sales, leasing or rentals shall be conducted at the site,~~ *unless part of the Hotel's car rental service.*

30. TENTATIVE MAP CONDITIONS

- A. Full development fees shall be paid for each project parcel or lot shown on Parcel Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- B. Comply with all applicable code requirements as noted in the Standard Development Requirements.
- C. The western turn-around area shall be to redesign to better suit pedestrian circulation to the hotel and solid waste vehicle access needs to the approval of the Director of Community Development.
- D. The project shall test the capacity of the existing sewer facilities that serve the project site prior to issuance of the site development permit. If it is determined that the proposed project would exceed the capacity of the existing sewer lines at or downstream of the site, the project shall upgrade the sewer lines and connections to provide capacity to serve the project and to meet the City's standard of operating at 75 percent or less of sewer line capacity.
- E. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- F. The hotel shall be responsible for maintenance of the lake for the hotel and residential portion of the site. Maintenance or other responsibilities shall not be transferred to the residential HOA.

Right-of-Way Improvements

- G. Obtain a Development Permit from the Department of Public Works for improvements.
- H. Curbs, gutters, sidewalks, streets, utilities, traffic control signs, electroliers (underground wiring) shall be designed, constructed and/or installed in accordance with City standards prior to occupancy. Plans shall be approved by then Department of Public Works.

Road Improvements

- I. Approval of detailed street improvements plan shall be obtained from Public Works and bonds posted prior to issuance of a Building Permit.
- J. Lakeside Drive Driveway locations for the project must either line up directly at the centerlines or be offset more than 150 feet (measured centerline to centerline). The driveways at adjacent properties on the

south should be located at least 150 feet from the proposed driveway locations (measures centerline to centerline).

- K. Maintain 10' vision triangles at all driveways. The southern/western most driveway must have a 40 foot vision triangle on the south side because of visibility issues caused by the roadway curve.

Undergrounding of Utilities

- L. All proposed utilities shall be undergrounded.
- M. Applicant shall provide a copy of an agreement with affected utility companies for undergrounding of existing overhead utilities which are on-site or within adjoining rights-of-way prior to issuance of a Building Permit or a deposit in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- N. If any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plan to Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- O. Install conduits along frontage for Cable TV, electrical and telephone lines in accordance with standards required by utility companies, prior to occupancy. Submit conduit plan to Planning Division prior to issuance of a Building Permit.
- P. Conduit sizing and locations shall be included on street improvement plans. Submit one copy to the Planning Division.
- Q. Improvement plans showing conduits for future undergrounding of existing overhead utilities shall be submitted to the Planning Division for review and approval prior to issuance of a Building Permit. Complete installation of conduits prior to occupancy.
- R. Any additional poles are proposed to be added, developer shall have PG&E submit the preliminary plans to the Director of Public Works Department for review. City Council shall make the decision if any additional poles are acceptable or not. Under no circumstances shall additional poles be permitted along the frontage of this development.
- S. A copy of an agreement with affected utilities companies for existing overhead utilities which are on-site or within adjoining rights-of-way shall be provided to the Director of Community Development prior to issuance of a Building Permit or a deposit or bond in an amount sufficient to cover the cost of undergrounding shall be made with the City.
- T. A copy of an agreement with affected utilities companies for undergrounding all existing and proposed overhead service drops to the building shall be provided to the Director of Community Development prior to issuance of a Building Permit.
- U. Indoor shower and locker facilities shall be provided for men and women at the ratio of one shower for every 30 hotel employees and

individual lockers for the maximum number of employees at any given time.

31. PUBLIC WORKS

- A. Provide separate mater for domestic and irrigation water systems.

32. MISCELLANEOUS

- A. Backflow devices and other appurtenances are to be located in low visibility areas and are to include screening and covers as approved by the Director of Community Development. Include device locations on landscape plan.
- B. Out-of door loudspeakers shall be prohibited.